

MARK J. CONNOT (10010)
COLLEEN E. MCCARTY (13186)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Ste. 700
Las Vegas, NV 89135
Telephone: 702.262.6899
Facsimile: 702.597.5503
mconnot@foxrothschild.com
cmccarty@foxrothschild.com
*Counsel for Defendants Zachary K. Bradford, Lori L. Love,
S. Matthew Schultz, Robert P. Beynon, Larry McNeill, and
Thomas L. Wood and Nominal Defendant Cleanspark, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NICHOLAS IRACI, Derivatively on Behalf of
CLEANSPARK, INC.,
Plaintiff,

v.

ZACHARY K. BRADFORD, LORI L. LOVE,
S. MATTHEW SCHULTZ, ROGER P.
BEYNON, LARRY MCNEILL, and THOMAS
L. WOOD,

Defendants,

-and-

CLEANSPARK, INC., a Nevada Corporation,

Nominal Defendant.

Case No.: 2:23-cv-00315-JAD-NJK

(Removal from District Court, Clark County,
Nevada, Case No. A-23-866172-C)

**JOINT STIPULATION AND ORDER
EXTENDING TIME TO RESPOND TO
COMPLAINT**

ECF No. 21

Plaintiff Nicholas Iraci (“Plaintiff”), derivatively on behalf of Nominal Plaintiff
CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L. Love, S.
Matthew Schultz, Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual
Defendants”), and Nominal Defendant CleanSpark (together with the Individual Defendants,
“Defendants”) (collectively, with Plaintiff, the “Parties”), by and through their undersigned
counsel, hereby enter into the following stipulation and proposed order:

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1 **WHEREAS**, on February 24, 2023, Plaintiff filed a shareholder derivative complaint (the
2 “Complaint”) on behalf of Nominal Plaintiff CleanSpark in the Eighth Judicial District Court of
3 the State of Nevada in and for Clark County (the “State Court”), captioned *Iraci v. Bradford, et*
4 *al.*, Case No. A-23-866172-C (this “Action”); and

5 **WHEREAS**, on February 28, 2023, the Defendant S. Matthew Schultz filed a Petition
6 for Removal (Dkt. 1) and Notice of Removal, removing this Action from State Court to the
7 United States District Court for the District of Nevada; and

8 **WHEREAS**, on March 24, 2023, the Individual Defendants filed a Motion to
9 Consolidate, asking the Court to consolidate this Action into the consolidated shareholder
10 derivative action pending in the United States District Court for the District of Nevada, *In re*
11 *CleanSpark, Inc. Derivative Litigation*, Case No. 2:21-cv-01181-GMN-BNW (the “Motion to
12 Consolidate”) (Dkt. 15); and

13 **WHEREAS**, on March 30, 2023, Plaintiff filed the Motion to Remand and for Attorney’s
14 Fees and Costs, which has been noticed for consideration by the Court in the normal course (the
15 “Motion to Remand”) (Dkt. 16); and

16 **WHEREAS**, Defendants intend to move to dismiss the Complaint in this Action; and

17 **WHEREAS**, the Parties agree to extend the deadline for Defendants to respond to the
18 Complaint until on or before April 24, 2023.

19 **WHEREAS**, the Parties agree to extend the deadline for Plaintiff to oppose any motion
20 to dismiss the Complaint that Defendants file until on or before May 24, 2023.

21 **WHEREAS**, the Parties agree to extend the deadline for Defendants to reply in support
22 of any motion to dismiss the Complaint until on or before June 14, 2023.

23 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by the Parties
24 hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

25 1. Defendants’ deadline to respond to the Complaint is extended until on or before
26 April 24, 2023.

27 2. Plaintiff’s deadline to oppose any motion to dismiss the Complaint that
28 Defendants file is extended until on or before May 24, 2023.

1 3. Defendants' deadline to reply in support of any motion to dismiss the Complaint
2 that Defendants file is extended until on or before June 14, 2023.

3 4. Other than as agreed herein, the Parties reserve all rights.
4

5 DATED: April 4, 2023

DATED: April 4, 2023

6 **FOX ROTHSCHILD LLP**

ALDRICH LAW FIRM, LTD.

7 /s/ Colleen E. McCarty

/s/ John P. Aldrich

8 MARK J. CONNOT (10010)
9 COLLEEN E. MCCARTY (13186)
10 1980 Festival Plaza Drive, Ste. 700
11 Las Vegas, NV 89135
12 mconnot@foxrothschild.com
13 cmcarty@foxrothschild.com
14 *Counsel for Defendants*

JOHN P. ALDRICH (6877)
CATHERINE HERNANDEZ (8410)
7866 West Sahara Avenue
Las Vegas, Nevada 89117
jaldrich@johnaldrichlawfirm.com
chernandez@johnaldrichlawfirm.com
Counsel for Plaintiffs

15 **IT IS SO ORDERED.**

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17 UNITED STATES DISTRICT JUDGE
18 DATED: April 5, 2023
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